

Calendar No. 269

106TH CONGRESS  
1ST Session

**S. 401**

[Report No. 106-149]

**A BILL**

To provide for business development and trade promotion for Native Americans, and for other purposes.

SEPTEMBER 8, 1999

Reported with an amendment

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 1999

Mr. CAMPBELL (for himself, Mr. INOUE, Mr. WELLSTONE, Mr. MURKOWSKI, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 8, 1999

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**A BILL**

To provide for business development and trade promotion  
for Native Americans, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Native American Busi-  
3 ness Development, Trade Promotion, and Tourism Act of  
4 1999”.

5 **SEC. 2. FINDINGS; PURPOSES.**

6       (a) **FINDINGS.**—Congress finds that—

7           (1) clause 3 of section 8 of article I of the  
8 United States Constitution recognizes the special re-  
9 lationship between the United States and Indian  
10 tribes;

11           (2) beginning in 1970, with the inauguration by  
12 the Nixon Administration, of the Indian self-deter-  
13 mination era of the Federal Government, each Presi-  
14 dent has confirmed the special government-to-gov-  
15 ernment relationship between Indian tribes and the  
16 United States;

17           (3) in 1994, President Clinton issued an Execu-  
18 tive memorandum to the heads of departments and  
19 agencies that obligated all Federal departments and  
20 agencies, particularly those that have an impact on  
21 economic development, to evaluate the potential im-  
22 pacts of their actions on Indian tribes;

23           (4) consistent with the principles of inherent  
24 tribal sovereignty and the special relationship be-  
25 tween Indian tribes and the United States, Indian  
26 tribes retain the right to enter into contracts and

1       agreements to trade freely, and seek enforcement of  
2       treaty and trade rights;

3           (5) Congress has carried out the responsibility  
4       of the United States for the protection and preserva-  
5       tion of Indian tribes and the resources of Indian  
6       tribes through the endorsement of treaties, and the  
7       enactment of other laws, including laws that provide  
8       for the exercise of administrative authorities;

9           (6) the United States has an obligation to  
10      guard and preserve the sovereignty of Indian tribes  
11      in order to foster strong tribal governments, Indian  
12      self-determination, and economic self-sufficiency  
13      among Indian tribes;

14          (7) the capacity of Indian tribes to build strong  
15      tribal governments and vigorous economies is hin-  
16      dered by the inability of Indian tribes to engage  
17      communities that surround Indian lands and outside  
18      investors in economic activities on Indian lands;

19          (8) despite the availability of abundant natural  
20      resources on Indian lands and a rich cultural legacy  
21      that accords great value to self-determination, self-  
22      reliance, and independence, American Indians and  
23      Alaska Natives suffer higher rates of unemployment,  
24      poverty, poor health, substandard housing, and asso-

1       ciated social ills than those of any other group in the  
 2       United States;

3           ~~(9)~~ the United States has an obligation to as-  
 4       sist Indian tribes with the creation of appropriate  
 5       economic and political conditions with respect to In-  
 6       dian lands to—

7                   ~~(A)~~ encourage investment from outside  
 8       sources that do not originate with the tribes;  
 9       and

10                  ~~(B)~~ facilitate economic ventures with out-  
 11       side entities that are not tribal entities;

12           ~~(10)~~ the economic success and material well-  
 13       being of American Indian and Alaska Native com-  
 14       munities depends on the combined efforts of the  
 15       Federal Government, tribal governments, the private  
 16       sector, and individuals;

17           ~~(11)~~ the lack of employment and entrepre-  
 18       neurial opportunities in the communities referred to  
 19       in paragraph ~~(8)~~ has resulted in a multigenerational  
 20       dependence on Federal assistance that is—

21                   ~~(A)~~ insufficient to address the magnitude  
 22       of needs; and

23                   ~~(B)~~ unreliable in availability; and

24           ~~(12)~~ the twin goals of economic self-sufficiency  
 25       and political self-determination for American Indians

1 and Alaska Natives can best be served by making  
2 available to address the challenges faced by those  
3 groups—

4 (A) the resources of the private market;

5 (B) adequate capital; and

6 (C) technical expertise.

7 (b) PURPOSES.—The purposes of this Act are as fol-  
8 lows:

9 (1) To revitalize economically and physically  
10 distressed Indian reservation economies by—

11 (A) encouraging the formation of new busi-  
12 nesses by eligible entities; the expansion of ex-  
13 isting businesses; and

14 (B) facilitating the movement of goods to  
15 and from Indian reservations and the provision  
16 of services by Indians.

17 (2) To promote private investment in the econo-  
18 mies of Indian tribes and to encourage the sustain-  
19 able development of resources of Indian tribes and  
20 tribal and Indian-owned businesses.

21 (3) To promote the long-range sustained growth  
22 of the economies of Indian tribes.

23 (4) To raise incomes of Indians in order to re-  
24 duce poverty levels and provide the means for

1 achieving a higher standard of living on Indian res-  
 2 ervations.

3 ~~(5)~~ To encourage intertribal, regional, and  
 4 international trade and business development in  
 5 order to assist in increasing productivity and the  
 6 standard of living of members of Indian tribes and  
 7 improving the economic self-sufficiency of the gov-  
 8 erning bodies of Indian tribes.

9 ~~(6)~~ To promote economic self-sufficiency and  
 10 political self-determination for Indian tribes and  
 11 members of Indian tribes.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 ~~(1)~~ BOARD.—The term “Board” has the mean-  
 15 ing given that term in the first section of the Act  
 16 entitled “To provide for the establishment, oper-  
 17 ation, and maintenance of foreign-trade zones in  
 18 ports of entry in the United States, to expedite and  
 19 encourage foreign commerce, and for other pur-  
 20 poses”, approved June 18, 1934 (19 U.S.C. 81a).

21 ~~(2)~~ DIRECTOR.—The term “Director” means  
 22 Director of Native American Business Development  
 23 appointed under section 4(a).

24 ~~(3)~~ ELIGIBLE ENTITY.—The term “eligible enti-  
 25 ty” means an Indian tribe, tribal organization, In-

dian arts and crafts organization, tribal enterprise, tribal marketing cooperative, or Indian-owned business.

(4) ~~FEDERAL AGENCY.~~—The term “Federal agency” means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(5) ~~FOUNDATION.~~—The term “Foundation” means the Rural Development Foundation.

(6) ~~INDIAN.~~—The term “Indian” has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(7) ~~INDIAN ARTS AND CRAFTS ORGANIZATION.~~—The term “Indian arts and crafts organization” has the meaning given that term under section 2 of the Act of August 27, 1935 (49 Stat. 891, chapter 748; 25 U.S.C. 305a).

(8) ~~INDIAN GOODS AND SERVICES.~~—The term “Indian goods and services” means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the “Indian Arts and Crafts Act”) (49 Stat. 891, chapter 748; 25 U.S.C. 305a);



1           ~~(B)~~ goods produced or originating within  
 2           an eligible entity; and

3           ~~(C)~~ services provided by eligible entities.

4           ~~(9)~~ INDIAN LANDS.—The term “Indian lands”  
 5           has the meaning given that term in section 4(4) of  
 6           the Indian Gaming Regulatory Act ~~(25 U.S.C.~~  
 7           ~~2703(4))~~.

8           ~~(10)~~ INDIAN-OWNED BUSINESS.—The term “In-  
 9           dian-owned business” means an entity organized for  
 10          the conduct of trade or commerce with respect to  
 11          which at least 50 percent of the property interests  
 12          of the entity are owned by Indians or Indian tribes  
 13          (or a combination thereof).

14          ~~(11)~~ INDIAN TRIBE.—The term “Indian tribe”  
 15          has the meaning given that term in section 4(e) of  
 16          the Indian Self-Determination and Education Assist-  
 17          ance Act ~~(25 U.S.C. 450b(e))~~.

18          ~~(12)~~ OFFICE.—The term “Office” means the  
 19          Office of Native American Business Development es-  
 20          tablished under section 4(a).

21          ~~(13)~~ SECRETARY.—The term “Secretary”  
 22          means the Secretary of Commerce.

23          ~~(14)~~ TRIBAL ENTERPRISE.—The term “tribal  
 24          enterprise” means a commercial activity or business  
 25          managed or controlled by an Indian tribe.

1           ~~(15) TRIBAL MARKETING COOPERATIVE.—~~The  
 2           term “tribal marketing cooperative” shall have the  
 3           meaning given that term by the Secretary, in con-  
 4           sultation with the Secretary of the Interior.

5           ~~(16) TRIBAL ORGANIZATION.—~~The term “tribal  
 6           organization” has the meaning given that term in  
 7           section 4(l) of the Indian Self-Determination and  
 8           Education Assistance Act (25 U.S.C. 450b(l)).

9   **SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOP-**  
 10           **MENT.**

11       ~~(a) IN GENERAL.—~~

12           ~~(1) ESTABLISHMENT.—~~There is established  
 13           within the Department of Commerce an office  
 14           known as the Office of Native American Business  
 15           Development.

16           ~~(2) DIRECTOR.—~~The Office shall be headed by  
 17           a Director, appointed by the Secretary, whose title  
 18           shall be the Director of Native American Business  
 19           Development. The Director shall be compensated at  
 20           a rate not to exceed level V of the Executive Sched-  
 21           ule under section 5316 of title 5, United States  
 22           Code.

23       ~~(b) DUTIES OF THE SECRETARY.—~~

24           ~~(1) IN GENERAL.—~~The Secretary, acting  
 25           through the Director, shall ensure the coordination

1 of Federal programs that provide assistance, includ-  
 2 ing financial and technical assistance, to eligible en-  
 3 tities for increased business, the expansion of trade  
 4 by eligible entities, and economic development on In-  
 5 dian lands.

6 ~~(2) ACTIVITIES.~~—In carrying out the duties de-  
 7 scribed in paragraph (1), the Secretary, acting  
 8 through the Director, shall ensure the coordination  
 9 of, or, as appropriate, carry out—

10 ~~(A)~~ Federal programs designed to provide  
 11 legal, accounting, or financial assistance to eli-  
 12 gible entities;

13 ~~(B)~~ market surveys;

14 ~~(C)~~ the development of promotional mate-  
 15 rials;

16 ~~(D)~~ the financing of business development  
 17 seminars;

18 ~~(E)~~ the facilitation of marketing;

19 ~~(F)~~ the participation of appropriate Fed-  
 20 eral agencies or eligible entities in trade fairs;

21 ~~(G)~~ any activity that is not described in  
 22 subparagraphs (A) through (F) that is related  
 23 to the development of appropriate markets; and

1           (H) any other activity that the Secretary,  
 2           in consultation with the Director, determines to  
 3           be appropriate to carry out this section.

4           (3) ASSISTANCE.—In conjunction with the ac-  
 5           tivities described in paragraph (2), the Secretary,  
 6           acting through the Director, shall provide—

7           (A) financial assistance, technical assist-  
 8           ance, and administrative services to eligible en-  
 9           tities to assist those entities with—

10           (i) identifying and taking advantage  
 11           of business development opportunities; and

12           (ii) compliance with appropriate laws  
 13           and regulatory practices; and

14           (B) such other assistance as the Secretary,  
 15           in consultation with the Director, determines to  
 16           be necessary for the development of business  
 17           opportunities for eligible entities to enhance the  
 18           economies of Indian tribes.

19           (4) PRIORITIES.—In carrying out the duties  
 20           and activities described in paragraphs (2) and (3),  
 21           the Secretary, acting through the Director, shall give  
 22           priority to activities that—

23           (A) provide the greatest degree of eco-  
 24           nomic benefits to Indians; and

1                   (B) foster long-term stable economies of  
2                   Indian tribes.

3                   (5) PROHIBITION.—The Secretary may not pro-  
4                   vide under this section assistance for any activity re-  
5                   lated to the operation of a gaming activity on Indian  
6                   lands pursuant to the Indian Gaming Regulatory  
7                   Act (25 U.S.C. 2710 et seq.).

8   **SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PRO-**  
9                   **MOTION.**

10                  (a) IN GENERAL.—The Secretary, acting through the  
11                  Director, shall carry out a Native American export and  
12                  trade promotion program (referred to in this section as  
13                  the “program”).

14                  (b) COORDINATION OF FEDERAL PROGRAMS AND  
15                  SERVICES.—In carrying out the program, the Secretary,  
16                  acting through the Director, and in cooperation with the  
17                  heads of appropriate Federal agencies, shall ensure the co-  
18                  ordination of Federal programs and services designed to—

19                       (1) develop the economies of Indian tribes; and

20                       (2) stimulate the demand for Indian goods and  
21                       services that are available to eligible entities.

22                  (c) ACTIVITIES.—In carrying out the duties described  
23                  in subsection (b), the Secretary, acting through the Direc-  
24                  tor, shall ensure the coordination of, or, as appropriate,  
25                  carry out—

1           (1) Federal programs designed to provide tech-  
2           nical or financial assistance to eligible entities;

3           (2) the development of promotional materials;

4           (3) the financing of appropriate trade missions;

5           (4) the marketing of Indian goods and services;

6           (5) the participation of appropriate Federal  
7           agencies or eligible entities in international trade  
8           fairs; and

9           (6) any other activity related to the develop-  
10          ment of markets for Indian goods and services.

11        (d) TECHNICAL ASSISTANCE.—In conjunction with  
12        the activities described in subsection (c), the Secretary,  
13        acting through the Director, shall provide technical assist-  
14        ance and administrative services to eligible entities to as-  
15        sist those entities with—

16           (1) the identification of appropriate markets for  
17        Indian goods and services;

18           (2) entering the markets referred to in para-  
19        graph (1);

20           (3) compliance with foreign or domestic laws  
21        and practices with respect to financial institutions  
22        with respect to the export and import of Indian  
23        goods and services; and

1           (4) entering into financial arrangements to pro-  
 2       vide for the export and import of Indian goods and  
 3       services.

4       (e) PRIORITIES.—In carrying out the duties and ac-  
 5       tivities described in subsections (b) and (c), the Secretary,  
 6       acting through the Director, shall give priority to activities  
 7       that—

8           (1) provide the greatest degree of economic ben-  
 9       efits to Indians; and

10          (2) foster long-term stable international mar-  
 11       kets for Indian goods and services.

12 **SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION**  
 13 **PROJECTS.**

14       (a) IN GENERAL.—

15           (1) DEMONSTRATION PROJECTS.—The Sec-  
 16       retary, acting through the Director, shall conduct a  
 17       Native American tourism program to facilitate the  
 18       development and conduct of tourism demonstration  
 19       projects by Indian tribes, on a tribal, intertribal, or  
 20       regional basis.

21           (2) PROJECTS.—

22           (A) IN GENERAL.—Under the program es-  
 23       tablished under this section, in order to assist  
 24       in the development and promotion of tourism  
 25       on and in the vicinity of Indian lands, the Sec-

retary, acting through the Director, shall, in coordination with the Foundation, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate



1 State and local governments that have ju-  
 2 risdiction over areas in the vicinity of In-  
 3 dian lands.

4 (3) GRANTS.—To carry out the program under  
 5 this section, the Secretary, acting through the Direc-  
 6 tor, may award grants or enter into other appro-  
 7 priate arrangements with Indian tribes, tribal orga-  
 8 nizations, intertribal consortia, or other tribal enti-  
 9 ties that the Secretary, in consultation with the Di-  
 10 rector, determines to be appropriate.

11 (4) LOCATIONS.—In providing for tourism de-  
 12 velopment demonstration projects under the pro-  
 13 gram under this section, the Secretary, acting  
 14 through the Director, shall provide for a demonstra-  
 15 tion project to be conducted—

16 (A) for Indians of the Four Corners area  
 17 located in the area adjacent to the border be-  
 18 tween Arizona, Utah, Colorado, and New Mex-  
 19 ico;

20 (B) for Indians of the northwestern area  
 21 that is commonly known as the Great North-  
 22 west (as determined by the Secretary);

23 (C) for the Oklahoma Indians in Okla-  
 24 homa; and

1                   ~~(D)~~ for the Indians of the Great Plains  
 2                   area (as determined by the Secretary).

3           ~~(b) STUDIES.—~~The Secretary, acting through the Di-  
 4 rector, shall provide financial assistance, technical assist-  
 5 ance, and administrative services to participants that the  
 6 Secretary, acting through the Director, selects to carry out  
 7 a tourism development project under this section, with re-  
 8 spect to—

9                   ~~(1)~~ feasibility studies conducted as part of that  
 10           project;

11                   ~~(2)~~ market analyses;

12                   ~~(3)~~ participation in tourism and trade missions;  
 13           and

14                   ~~(4)~~ any other activity that the Secretary, in  
 15           consultation with the Director, determines to be ap-  
 16           propriate to carry out this section.

17           ~~(c) INFRASTRUCTURE DEVELOPMENT.—~~The dem-  
 18 onstration projects conducted under this section shall in-  
 19 clude provisions to facilitate the development and financ-  
 20 ing of infrastructure, including the development of Indian  
 21 reservation roads in a manner consistent with title 23,  
 22 United States Code.

23 **SEC. 7. REPORT TO CONGRESS.**

24           ~~(a) IN GENERAL.—~~Not later than 1 year after the  
 25 date of enactment of this Act, and annually thereafter,

1 the Secretary, in consultation with the Director, shall pre-  
 2 pare and submit to the Committee on Indian Affairs of  
 3 the Senate and the Committee on Resources of the House  
 4 of Representatives a report on the operation of the Office.

5 (b) CONTENTS OF REPORT.—Each report prepared  
 6 under subsection (a) shall include—

7 (1) for the period covered by the report, a sum-  
 8 mary of the activities conducted by the Secretary,  
 9 acting through the Director, in carrying out sections  
 10 4 through 6; and

11 (2) any recommendations for legislation that  
 12 the Secretary, in consultation with the Director, de-  
 13 termines to be necessary to carry out sections 4  
 14 through 6.

15 **SEC. 8. FOREIGN-TRADE ZONE PREFERENCES.**

16 (a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-  
 17 TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In proc-  
 18 essing applications for the establishment of foreign-trade  
 19 zones pursuant to the Act entitled “To provide for the es-  
 20 tablishment, operation, and maintenance of foreign-trade  
 21 zones in ports of entry of the United States, to expedite  
 22 and encourage foreign commerce, and for other purposes”,  
 23 approved June 18, 1934 (19 U.S.C. 81a et seq.), the  
 24 Board shall consider, on a priority basis, and expedite, to  
 25 the maximum extent practicable, the processing of any ap-

1 plication involving the establishment of a foreign-trade  
 2 zone on Indian lands, including any Indian lands des-  
 3 ignated as an empowerment zone or enterprise community  
 4 pursuant to section 1391 of the Internal Revenue Code  
 5 of 1986.

6 (b) APPLICATION PROCEDURE.—In processing appli-  
 7 cations for the establishment of ports of entry pursuant  
 8 to the Act entitled “An Act making appropriations for  
 9 sundry civil expenses of the Government for the fiscal year  
 10 ending June thirtieth, nineteen hundred and fifteen, and  
 11 for other purposes”, approved August 1, 1914 (19 U.S.C.  
 12 2), the Secretary of the Treasury shall, with respect to  
 13 any application involving the establishment of a port of  
 14 entry that is necessary to permit the establishment of a  
 15 foreign-trade zone on Indian lands—

16 (1) consider on a priority basis; and

17 (2) expedite, to the maximum extent prac-  
 18 ticable, the processing of that application.

19 (c) APPLICATION EVALUATION.—In evaluating appli-  
 20 cations for the establishment of foreign-trade zones and  
 21 ports of entry in connection with Indian lands, to the max-  
 22 imum extent practicable and consistent with applicable  
 23 law, the Board and Secretary of the Treasury shall ap-  
 24 prove the applications.

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Native American Busi-*  
 3 *ness Development, Trade Promotion, and Tourism Act of*  
 4 *1999”.*

5 **SEC. 2. FINDINGS; PURPOSES.**

6       (a) *FINDINGS.*—*Congress finds that—*

7               (1) *clause 3 of section 8 of article I of the United*  
 8 *States Constitution recognizes the special relationship*  
 9 *between the United States and Indian tribes;*

10              (2) *beginning in 1970, with the inauguration by*  
 11 *the Nixon Administration of the Indian self-deter-*  
 12 *mination era, each President has reaffirmed the spe-*  
 13 *cial government-to-government relationship between*  
 14 *Indian tribes and the United States;*

15              (3) *in 1994, President Clinton issued an Execu-*  
 16 *tive memorandum to the heads of departments and*  
 17 *agencies that obligated all Federal departments and*  
 18 *agencies, particularly those that have an impact on*  
 19 *economic development, to evaluate the potential im-*  
 20 *pacts of their actions on Indian tribes;*

21              (4) *consistent with the principles of inherent*  
 22 *tribal sovereignty and the special relationship between*  
 23 *Indian tribes and the United States, Indian tribes re-*  
 24 *tain the right to enter into contracts and agreements*  
 25 *to trade freely, and seek enforcement of treaty and*  
 26 *trade rights;*

1           (5) Congress has carried out the responsibility of  
2           the United States for the protection and preservation  
3           of Indian tribes and the resources of Indian tribes  
4           through the endorsement of treaties, and the enact-  
5           ment of other laws, including laws that provide for  
6           the exercise of administrative authorities;

7           (6) the United States has an obligation to guard  
8           and preserve the sovereignty of Indian tribes in order  
9           to foster strong tribal governments, Indian self-deter-  
10          mination, and economic self-sufficiency among In-  
11          dian tribes;

12          (7) the capacity of Indian tribes to build strong  
13          tribal governments and vigorous economies is hin-  
14          dered by the inability of Indian tribes to engage com-  
15          munities that surround Indian lands and outside in-  
16          vestors in economic activities on Indian lands;

17          (8) despite the availability of abundant natural  
18          resources on Indian lands and a rich cultural legacy  
19          that accords great value to self-determination, self-re-  
20          liance, and independence, Native Americans suffer  
21          higher rates of unemployment, poverty, poor health,  
22          substandard housing, and associated social ills than  
23          those of any other group in the United States;

24          (9) the United States has an obligation to assist  
25          Indian tribes with the creation of appropriate eco-

1        *nomie and political conditions with respect to Indian*  
 2        *lands to—*

3                *(A) encourage investment from outside*  
 4                *sources that do not originate with the tribes; and*

5                *(B) facilitate economic ventures with out-*  
 6                *side entities that are not tribal entities;*

7                *(10) the economic success and material well-*  
 8                *being of Native American communities depends on the*  
 9                *combined efforts of the Federal Government, tribal*  
 10               *governments, the private sector, and individuals;*

11               *(11) the lack of employment and entrepreneurial*  
 12               *opportunities in the communities referred to in para-*  
 13               *graph (7) has resulted in a multigenerational depend-*  
 14               *ence on Federal assistance that is—*

15               *(A) insufficient to address the magnitude of*  
 16               *needs; and*

17               *(B) unreliable in availability; and*

18               *(12) the twin goals of economic self-sufficiency*  
 19               *and political self-determination for Native Americans*  
 20               *can best be served by making available to address the*  
 21               *challenges faced by those groups—*

22               *(A) the resources of the private market;*

23               *(B) adequate capital; and*

24               *(C) technical expertise.*

1       (b) *PURPOSES.*—*The purposes of this Act are as fol-*  
2 *lows:*

3           (1) *To revitalize economically and physically*  
4 *distressed Native American economies by—*

5               (A) *encouraging the formation of new busi-*  
6 *nesses by eligible entities, and the expansion of*  
7 *existing businesses; and*

8               (B) *facilitating the movement of goods to*  
9 *and from Indian lands and the provision of serv-*  
10 *ices by Indians.*

11          (2) *To promote private investment in the econo-*  
12 *mies of Indian tribes and to encourage the sustainable*  
13 *development of resources of Indian tribes and Indian-*  
14 *owned businesses.*

15          (3) *To promote the long-range sustained growth*  
16 *of the economies of Indian tribes.*

17          (4) *To raise incomes of Indians in order to re-*  
18 *duce the number of Indians at poverty levels and pro-*  
19 *vide the means for achieving a higher standard of liv-*  
20 *ing on Indian reservations.*

21          (5) *To encourage intertribal, regional, and inter-*  
22 *national trade and business development in order to*  
23 *assist in increasing productivity and the standard of*  
24 *living of members of Indian tribes and improving the*



1       *economic self-sufficiency of the governing bodies of In-*  
 2       *dian tribes.*

3               (6) *To promote economic self-sufficiency and po-*  
 4       *litical self-determination for Indian tribes and mem-*  
 5       *bers of Indian tribes.*

6   **SEC. 3. DEFINITIONS.**

7       *In this Act:*

8               (1) *BOARD.*—*The term “Board” has the meaning*  
 9       *given that term in the first section of the Act entitled*  
 10       *“To provide for the establishment, operation, and*  
 11       *maintenance of foreign-trade zones in ports of entry*  
 12       *in the United States, to expedite and encourage for-*  
 13       *oreign commerce, and for other purposes”, approved*  
 14       *June 18, 1934 (19 U.S.C. 81a).*

15              (2) *ELIGIBLE ENTITY.*—*The term “eligible enti-*  
 16       *ty” means an Indian tribe or tribal organization, an*  
 17       *Indian arts and crafts organization, as that term is*  
 18       *defined in section 2 of the Act of August 27, 1935*  
 19       *(commonly known as the “Indian Arts and Crafts*  
 20       *Act”)* (49 Stat. 891, chapter 748; 25 U.S.C. 305a), *a*  
 21       *tribal enterprise, a tribal marketing cooperative (as*  
 22       *that term is defined by the Secretary, in consultation*  
 23       *with the Secretary of the Interior), or any other In-*  
 24       *dian-owned business.*

1           (3) *INDIAN*.—*The term “Indian” has the mean-*  
 2           *ing given that term in section 4(d) of the Indian Self-*  
 3           *Determination and Education Assistance Act (25*  
 4           *U.S.C. 450b(d)).*

5           (4) *INDIAN GOODS AND SERVICES*.—*The term*  
 6           *“Indian goods and services” means—*

7                   (A) *Indian goods, within the meaning of*  
 8                   *section 2 of the Act of August 27, 1935 (com-*  
 9                   *monly known as the “Indian Arts and Crafts*  
 10                  *Act”)* (49 Stat. 891, chapter 748; 25 U.S.C.  
 11                  305a);

12                  (B) *goods produced or originated by an eli-*  
 13                  *gible entity; and*

14                  (C) *services provided by eligible entities.*

15           (5) *INDIAN LANDS*.—

16                   (A) *IN GENERAL*.—*The term “Indian*  
 17                  *lands” includes lands under the definition of—*

18                           (i) *the term “Indian country” under*  
 19                           *section 1151 of title 18, United States Code;*  
 20                           *or*

21                           (ii) *the term “reservation” under—*

22                                   (I) *section 3(d) of the Indian Fi-*  
 23                                   *nancing Act of 1974 (25 U.S.C.*  
 24                                   *1452(d)); or*

1 (II) section 4(10) of the Indian  
 2 Child Welfare Act of 1978 (25 U.S.C.  
 3 1903(10)).

4 (B) FORMER INDIAN RESERVATIONS IN  
 5 OKLAHOMA.—For purposes of applying section  
 6 3(d) of the Indian Financing Act of 1974 (25  
 7 U.S.C. 1452(d)) under subparagraph (A)(ii), the  
 8 term “former Indian reservations in Oklahoma”  
 9 shall be construed to include lands that are—

10 (i) within the jurisdictional areas of  
 11 an Oklahoma Indian tribe (as determined  
 12 by the Secretary of the Interior); and

13 (ii) recognized by the Secretary of the  
 14 Interior as eligible for trust land status  
 15 under part 151 of title 25, Code of Federal  
 16 Regulations (as in effect on the date of en-  
 17 actment of this Act).

18 (6) INDIAN-OWNED BUSINESS.—The term “In-  
 19 dian-owned business” means an entity organized for  
 20 the conduct of trade or commerce with respect to  
 21 which at least 50 percent of the property interests of  
 22 the entity are owned by Indians or Indian tribes (or  
 23 a combination thereof).

24 (7) INDIAN TRIBE.—The term “Indian tribe” has  
 25 the meaning given that term in section 4(e) of the In-

1        *dian Self-Determination and Education Assistance*  
 2        *Act (25 U.S.C. 450b(e)).*

3            (8) *SECRETARY.*—*The term “Secretary” means*  
 4        *the Secretary of Commerce.*

5            (9) *TRIBAL ENTERPRISE.*—*The term “tribal en-*  
 6        *terprise” means a commercial activity or business*  
 7        *managed or controlled by an Indian tribe.*

8            (10) *TRIBAL ORGANIZATION.*—*The term “tribal*  
 9        *organization” has the meaning given that term in*  
 10       *section 4(l) of the Indian Self-Determination and*  
 11       *Education Assistance Act (25 U.S.C. 450b(l)).*

12    **SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOP-**  
 13        **MENT.**

14        (a) *IN GENERAL.*—

15            (1) *ESTABLISHMENT.*—*There is established with-*  
 16        *in the Department of Commerce an office known as*  
 17        *the Office of Native American Business Development*  
 18        *(referred to in this Act as the “Office”).*

19            (2) *DIRECTOR.*—*The Office shall be headed by a*  
 20        *Director, appointed by the Secretary, whose title shall*  
 21        *be the Director of Native American Business Develop-*  
 22        *ment (referred to in this Act as the “Director”). The*  
 23        *Director shall be compensated at a rate not to exceed*  
 24        *level V of the Executive Schedule under section 5316*  
 25        *of title 5, United States Code.*

1       **(b) DUTIES OF THE SECRETARY.—**

2               **(1) IN GENERAL.—***The Secretary, acting through*  
 3       *the Director, shall ensure the coordination of Federal*  
 4       *programs that provide assistance, including financial*  
 5       *and technical assistance, to eligible entities for in-*  
 6       *creased business, the expansion of trade by eligible en-*  
 7       *tities, and economic development on Indian lands.*

8               **(2) INTERAGENCY COORDINATION.—***The Sec-*  
 9       *retary, acting through the Director, shall coordinate*  
 10       *Federal programs relating to Indian economic devel-*  
 11       *opment, including any such program of the Depart-*  
 12       *ment of the Interior, the Small Business Administra-*  
 13       *tion, the Department of Labor, or any other Federal*  
 14       *agency charged with Indian economic development re-*  
 15       *sponsibilities.*

16               **(3) ACTIVITIES.—***In carrying out the duties de-*  
 17       *scribed in paragraph (1), the Secretary, acting*  
 18       *through the Director, shall ensure the coordination of,*  
 19       *or, as appropriate, carry out—*

20                       **(A)** *Federal programs designed to provide*  
 21                       *legal, accounting, or financial assistance to eligi-*  
 22                       *ble entities;*

23                       **(B)** *market surveys;*

24                       **(C)** *the development of promotional mate-*  
 25                       *rials;*

1           (D) the financing of business development  
2 seminars;

3           (E) the facilitation of marketing;

4           (F) the participation of appropriate Fed-  
5 eral agencies or eligible entities in trade fairs;

6           (G) any activity that is not described in  
7 subparagraphs (A) through (F) that is related to  
8 the development of appropriate markets; and

9           (H) any other activity that the Secretary,  
10 in consultation with the Director, determines to  
11 be appropriate to carry out this section.

12       (4) ASSISTANCE.—In conjunction with the ac-  
13 tivities described in paragraph (3), the Secretary, act-  
14 ing through the Director, shall provide—

15           (A) financial assistance, technical assist-  
16 ance, and administrative services to eligible enti-  
17 ties to assist those entities with—

18               (i) identifying and taking advantage of  
19 business development opportunities; and

20               (ii) compliance with appropriate laws  
21 and regulatory practices; and

22           (B) such other assistance as the Secretary,  
23 in consultation with the Director, determines to  
24 be necessary for the development of business op-

1            *portunities for eligible entities to enhance the*  
 2            *economies of Indian tribes.*

3            (5) *PRIORITIES.*—*In carrying out the duties and*  
 4            *activities described in paragraphs (3) and (4), the*  
 5            *Secretary, acting through the Director, shall give pri-*  
 6            *ority to activities that—*

7                    (A) *provide the greatest degree of economic*  
 8                    *benefits to Indians; and*

9                    (B) *foster long-term stable economies of In-*  
 10                   *dian tribes.*

11            (6) *PROHIBITION.*—*The Secretary may not pro-*  
 12            *vide under this section assistance for any activity re-*  
 13            *lated to the operation of a gaming activity on Indian*  
 14            *lands pursuant to the Indian Gaming Regulatory Act*  
 15            *(25 U.S.C. 2710 et seq.).*

16 **SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PRO-**  
 17 **MOTION.**

18            (a) *IN GENERAL.*—*The Secretary, acting through the*  
 19            *Director, shall carry out a Native American export and*  
 20            *trade promotion program (referred to in this section as the*  
 21            *“program”).*

22            (b) *COORDINATION OF FEDERAL PROGRAMS AND*  
 23            *SERVICES.*—*In carrying out the program, the Secretary,*  
 24            *acting through the Director, and in cooperation with the*

1 *heads of appropriate Federal agencies, shall ensure the co-*  
 2 *ordination of Federal programs and services designed to—*

3           (1) *develop the economies of Indian tribes; and*

4           (2) *stimulate the demand for Indian goods and*  
 5 *services that are available from eligible entities.*

6       (c) *ACTIVITIES.—In carrying out the duties described*  
 7 *in subsection (b), the Secretary, acting through the Director,*  
 8 *shall ensure the coordination of, or, as appropriate, carry*  
 9 *out—*

10           (1) *Federal programs designed to provide tech-*  
 11 *nical or financial assistance to eligible entities;*

12           (2) *the development of promotional materials;*

13           (3) *the financing of appropriate trade missions;*

14           (4) *the marketing of Indian goods and services;*

15           (5) *the participation of appropriate Federal*  
 16 *agencies or eligible entities in international trade*  
 17 *fairs; and*

18           (6) *any other activity related to the development*  
 19 *of markets for Indian goods and services.*

20       (d) *TECHNICAL ASSISTANCE.—In conjunction with the*  
 21 *activities described in subsection (c), the Secretary, acting*  
 22 *through the Director, shall provide technical assistance and*  
 23 *administrative services to eligible entities to assist those en-*  
 24 *tities with—*



1           (1) *the identification of appropriate markets for*  
 2       *Indian goods and services;*

3           (2) *entering the markets referred to in paragraph*  
 4       *(1);*

5           (3) *compliance with foreign or domestic laws*  
 6       *and practices with respect to financial institutions*  
 7       *with respect to the export and import of Indian goods*  
 8       *and services; and*

9           (4) *entering into financial arrangements to pro-*  
 10       *vide for the export and import of Indian goods and*  
 11       *services.*

12       (e) *PRIORITIES.*—*In carrying out the duties and ac-*  
 13       *tivities described in subsections (b) and (c), the Secretary,*  
 14       *acting through the Director, shall give priority to activities*  
 15       *that—*

16           (1) *provide the greatest degree of economic bene-*  
 17       *fits to Indians; and*

18           (2) *foster long-term stable international markets*  
 19       *for Indian goods and services.*

20       **SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION**  
 21               **PROJECTS.**

22       (a) *PROGRAM TO CONDUCT TOURISM PROJECTS.*—

23           (1) *IN GENERAL.*—*The Secretary, acting through*  
 24       *the Director, shall conduct a Native American tour-*  
 25       *ism program to facilitate the development and con-*

duct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) *DEMONSTRATION PROJECTS.*—

(A) *IN GENERAL.*—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) *PROJECTS DESCRIBED.*—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials per-

1                    *taining to attractions located on and near*  
 2                    *Indian lands;*

3                    *(ii) the development of educational re-*  
 4                    *sources to assist in private and public tour-*  
 5                    *ism development on and in the vicinity of*  
 6                    *Indian lands; and*

7                    *(iii) the coordination of tourism-re-*  
 8                    *lated joint ventures and cooperative efforts*  
 9                    *between eligible entities and appropriate*  
 10                   *State and local governments that have juris-*  
 11                   *diction over areas in the vicinity of Indian*  
 12                   *lands.*

13                *(3) GRANTS.—To carry out the program under*  
 14                *this section, the Secretary, acting through the Direc-*  
 15                *tor, may award grants or enter into other appro-*  
 16                *priate arrangements with Indian tribes, tribal orga-*  
 17                *nizations, intertribal consortia, or other tribal entities*  
 18                *that the Secretary, in consultation with the Director,*  
 19                *determines to be appropriate.*

20                *(4) LOCATIONS.—In providing for tourism devel-*  
 21                *opment demonstration projects under the program*  
 22                *under this section, the Secretary, acting through the*  
 23                *Director, shall provide for a demonstration project to*  
 24                *be conducted—*

1                   (A) for Indians of the Four Corners area lo-  
 2                   cated in the area adjacent to the border between  
 3                   Arizona, Utah, Colorado, and New Mexico;

4                   (B) for Indians of the northwestern area  
 5                   that is commonly known as the Great Northwest  
 6                   (as determined by the Secretary);

7                   (C) for the Oklahoma Indians in Oklahoma;

8                   (D) for the Indians of the Great Plains area  
 9                   (as determined by the Secretary); and

10                  (E) for Alaska Natives in Alaska.

11               (b) ASSISTANCE.—The Secretary, acting through the  
 12               Director, shall provide financial assistance, technical assist-  
 13               ance, and administrative services to participants that the  
 14               Secretary, acting through the Director, selects to carry out  
 15               a tourism development project under this section, with re-  
 16               spect to—

17                   (1) feasibility studies conducted as part of that  
 18                   project;

19                   (2) market analyses;

20                   (3) participation in tourism and trade missions;  
 21                   and

22                   (4) any other activity that the Secretary, in con-  
 23                   sultation with the Director, determines to be appro-  
 24                   priate to carry out this section.

1       (c) *INFRASTRUCTURE DEVELOPMENT.*—*The dem-*  
 2 *onstration projects conducted under this section shall in-*  
 3 *clude provisions to facilitate the development and financing*  
 4 *of infrastructure, including the development of Indian res-*  
 5 *ervation roads in a manner consistent with title 23, United*  
 6 *States Code.*

7 **SEC. 7. REPORT TO CONGRESS.**

8       (a) *IN GENERAL.*—*Not later than 1 year after the date*  
 9 *of enactment of this Act, and annually thereafter, the Sec-*  
 10 *retary, in consultation with the Director, shall prepare and*  
 11 *submit to the Committee on Indian Affairs of the Senate*  
 12 *and the Committee on Resources of the House of Representa-*  
 13 *tives a report on the operation of the Office.*

14       (b) *CONTENTS OF REPORT.*—*Each report prepared*  
 15 *under subsection (a) shall include—*

16               (1) *for the period covered by the report, a sum-*  
 17 *mary of the activities conducted by the Secretary, act-*  
 18 *ing through the Director, in carrying out sections 4*  
 19 *through 6; and*

20               (2) *any recommendations for legislation that the*  
 21 *Secretary, in consultation with the Director, deter-*  
 22 *mines to be necessary to carry out sections 4 through*  
 23 *6.*

1 **SEC. 8. FOREIGN-TRADE ZONE PREFERENCES.**

2       (a) *PREFERENCE IN ESTABLISHMENT OF FOREIGN-*  
 3 *TRADE ZONES IN INDIAN ENTERPRISE ZONES.*—*In proc-*  
 4 *essing applications for the establishment of foreign-trade*  
 5 *zones pursuant to the Act entitled “An Act to provide for*  
 6 *the establishment, operation, and maintenance of foreign-*  
 7 *trade zones in ports of entry of the United States, to expe-*  
 8 *dite and encourage foreign commerce, and for other pur-*  
 9 *poses”, approved June 18, 1934 (19 U.S.C. 81a et seq.),*  
 10 *the Board shall consider, on a priority basis, and expedite,*  
 11 *to the maximum extent practicable, the processing of any*  
 12 *application involving the establishment of a foreign-trade*  
 13 *zone on Indian lands, including any Indian lands des-*  
 14 *ignated as an empowerment zone or enterprise community*  
 15 *pursuant to section 1391 of the Internal Revenue Code of*  
 16 *1986.*

17       (b) *APPLICATION PROCEDURE.*—*In processing appli-*  
 18 *cations for the establishment of ports of entry pursuant to*  
 19 *the Act entitled “An Act making appropriations for sundry*  
 20 *civil expenses of the Government for the fiscal year ending*  
 21 *June thirtieth, nineteen hundred and fifteen, and for other*  
 22 *purposes”, approved August 1, 1914 (19 U.S.C. 2), the Sec-*  
 23 *retary of the Treasury shall, with respect to any application*  
 24 *involving the establishment of a port of entry that is nec-*  
 25 *essary to permit the establishment of a foreign-trade zone*  
 26 *on Indian lands—*

1           (1) *consider that application on a priority basis;*

2           *and*

3           (2) *expedite, to the maximum extent practicable,*

4           *the processing of that application.*

5           (c) *APPLICATION EVALUATION.—In evaluating appli-*  
6           *cations for the establishment of foreign-trade zones and*  
7           *ports of entry in connection with Indian lands, to the max-*  
8           *imum extent practicable and consistent with applicable*  
9           *law, the Board and the Secretary of the Treasury shall ap-*  
10          *prove the applications.*

11       **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

12          *There are authorized to be appropriated such sums as*  
13          *are necessary to carry out this Act, to remain available*  
14          *until expended.*